

Notice of Allowability

Application No.

10/089,398

Applicant(s)

HERBERT, JOHN

Examiner

Art Unit

Shian T. Luong

3728

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to applicant's request for an examiner's amendment.
2. ☒ The allowed claim(s) is/are 2-7,9 and 10.
3. ☒ The drawings filed on 3/28/02 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of
- Paper No./Mail Date _____.
- Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

EXAMINER'S AMENDMENT

1. An extension of time under 37 CFR 1.136(a) is required in order to make an examiner's amendment which places this application in condition for allowance. During a telephone conversation conducted on 2/28/05, Applicant's attorney, Joseph Kovarik, requested an extension of time for the third month and authorized the Director to charge Deposit Account No. 19-1970 the required fee of \$570 for this extension and authorized the following examiner's amendment. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Claim 1 has been canceled.

In claim 3, lines 1-3 have been deleted and replaced with the following language: --
(Currently amended) A syringe disposal device suitable for disposal of a single syringe having a needle having a hub, a barrel, a plunger and, on the barrel or plunger, a transversely extending portion, the disposal device including: a needle encapsulating portion;

a syringe barrel encapsulating portion; and

a syringe retention portion, wherein said syringe retention portion, having greater external dimension along substantially its whole length than an outer diameter of the syringe barrel encapsulating portion and the needle encapsulating portion, has an open end for insertion of a syringe therein and an opposed end communicating said retention portion with said syringe barrel encapsulating portion, engagement means being provided at or proximate, said opposed end of said syringe retention portion for retaining a syringe within the disposal device after

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passage of said transversely extending portion of the syringe barrel or plunger past said engagement means by interference fit;

a morse taper for engaging the needle hub at a transition between said syringe barrel encapsulating portion and said needle encapsulating portion. --

In claim 2, line 1, "(Previously presented)" has been changed to --(Currently amended) --

In claim 2, line 1, "claim 1" has been changed to -- claim 3 --.

In claim 4, line 1, "(Previously presented)" has been changed to -- (Currently amended) --

In claim 4, line 1, "claim 1" has been changed to -- claim 3 --.

In claim 5, line 1, "(Previously presented)" has been changed to -- (Currently amended) --

In claim 5, line 1, "claim 1" has been changed to -- claim 3 --.

In claim 6, line 1, "(Previously presented)" has been changed to -- (Currently amended) --

In claim 6, line 1, "claim 1" has been changed to -- claim 3 --.

In claim 7, line 1, "(Previously presented)" has been changed to -- (Currently amended) --

In claim 7, line 2, "claim 1" has been changed to -- claim 3 --.

Conclusion

2. Telephone inquiries regarding the status of applications or other general questions, by persons entitled to the information, should be directed to the group clerical personnel and not to the examiners. In as much as the official records and applications are located in the clerical section of the examining groups, the clerical personnel can readily provide status information without contacting the examiners, M.P.E.P. 203.08.

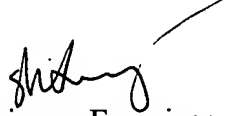
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If in receiving this Office Action it is apparent to applicant that certain documents are missing, e.g., copies of references cited, form PTO-1449, form PTO-892, etc., requests for copies of such papers should be directed to Erica Miller at (571) 272-4370.

For applicant's convenience, the official FAX number is (703) 872-9306. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify Examiner Luong of Art Unit 3728 at the top of your cover sheet of any correspondence submitted.

Inquiries concerning the merits of the examination should be directed to Shian Luong whose telephone number is (571) 272-4557. The examiner can normally be reached on M-H from 7:00am to 4:00pm EST.

STL
March 1, 2005


Primary Examiner
Shian Luong
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